

Discussion:

The examiner had stated that claims 1-14 are rejected as having been anticipated by Thorby. The examiner had stated that Thorby shows all the structure of the device as recited by the claims. It is our opinion that the claimed invention is patentably distinct from the Thorby device. To reflect the patentable differences between the Applicants' invention and that disclosed in the Thorby patent, we have amended the claims. In particular, Claim 1 has been amended to accommodate the suspension of the storage box. Lines 5-9 of page 12 of the original specification state that,

" . . . In this way construction materials or lumber as represented by the element shown can pass below the bottom wall of even the fully expanded and erected truck box, giving extra versatility so that the truck box can expand over and can remain expanded or erected even though long elements being carried in the truck bed extend into thus occupied space.",

and lines 13-15 of page 8 of the amended specification state that,

"...the instant invention is believed to be the only such truck box with at least a floor **500**, front wall **310** and a lid **300** that does not require fastening to the floor of the truck bed **105**."

Paragraph 1 of the Detailed Description of the Preferred Embodiment of the amended specification states "The instant invention pertains to a collapsible storage box **1** in general, and particularly to a collapsible storage box suitable for use in a pick-up truck bed. While the description below focuses on the specific use of the box in a pick-up truck bed, it is contemplated that it could be used also in other settings, such as in a garage, car trunk, basement, and for general storage in virtually any location." The second paragraph goes on to discuss the variety of materials that could be used in the construction of the claimed invention: "Each of the walls is made of a lightweight, rigid material, such as plastic, metal or wood. It is important for the material

to be resistant to the weather elements, and maintain operability (not be detrimentally affected by UV, salt, etc.) in extreme outdoor use conditions. For the purposes of this description, the uncollapsed or erected box is oriented so that the bottom wall **500** preferably rests directly or indirectly horizontally on the truck bed support surface..." Thusly, since the claimed invention has been shown to possibly be implemented in a suspended manner, and the claimed invention has been shown to be made of a lightweight yet rigid material, it is clear that the claimed invention can be used anywhere. The claimed invention can be fastened, in suspension, to any vertical surface, such as the wall of a garage, basement, or machine shop, to the backseat of a car, SUV, etc., or to any other surface.

Claim 2 has been amended to reflect the L-beam structure created by "pivotally attaching the bottom wall to the bottom edge of the front wall." as seen in line 23 of page 6 and line 1 of page 7 of the original specification.

Claim 8 has been amended to include the preferred system of attachment (a series of brackets) used to affix the claimed invention to and suspend the claimed invention from a truck bed. Claim 8 highlights the advantages of suspending the claimed invention to allow storage of long items that require the full length of the truck bed, underneath the claimed invention. Referring to page 8, lines 11 through 15 of the amended specification, "Since the truck box can be attached to the front or side walls of the truck bed **105**, it can be elevated a couple of inches above the truck bed **105** to allow for storing things, such as long 2x4s, under the truck box." and lines 10 and 11 of page 10 add "...this bracket mounting system permits a properly rugged box to be suspended above the bottom wall **500** of the truck box." As such, newly amended claim 8 states that the claimed invention is suspended off the floor of the truck bed by at least the width of a 2x4 strip of lumber. In this way, the claimed invention is patentable over the Thorby teachings, as the claimed

invention still provides utilization of the entire length of the truck bed floor vicinity whether in a compressed or erect state.

Claims 9-13 were amended to depend from claim 8.

Similarly to the amendment made to Claim 2, Claim 9 has been amended to reflect the L-beam structure created by "pivotally attaching the bottom wall to the bottom edge of the front wall." as seen in line 23 of page 6 and line 1 of page 7 of the original specification.

Claims were added to incorporate the flanges and wheels discussed in the specification. Referring to lines 17-19 of page 9 of the amended specification, "...bottom wall **500A** has flanges **1400** around each side edge and along the edge furthest away from the side edge opposite its edge hinged to the front wall **310A**." Lines 14-16, page 7 of the amended specification show that "A wheel, (not shown) could be provided near the juncture of the front wall **310** and each of the side walls **410** to help support the front wall **310** when it is moved between its collapsed and expanded positions."

Claim 17 and 18 were added to reflect the versatility of locking the Applicants' invention when in both an erect position and a collapsed position. Please refer to the last paragraph of page 5 and the first paragraph of page 6 of the original specification.


Claims 19 through 24 have been added and are supported by the original specification. Claims 19 through 24 are distinguishable over the prior art and are therefore, in our opinion, patentable.

Of further note, an amendment of inventorship is enclosed with this amendment.

If there are any remaining issues, Applicants respectfully request the Examiner phone Applicants' attorney to resolve any such remaining issues. Issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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